



## Board of Adjustment Case Report

City of Raleigh  
Department of City Planning  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2626  
[www.raleighnc.gov](http://www.raleighnc.gov)

**Case File:** A-83-17

**Property Address:** 3424 Lewis Farm Road

**Property Owner:** Laura Spencer and Phillip Grubaugh

**Project Contact:** Isabel Mattox

**Nature of Case:** A request for a 6" variance in the side setback requirements pursuant to section 2.2.1. of the Unified Development Ordinance as well as a 4.5' variance to the street setback Infill Compatibility Requirements set forth in Section 2.2.7.C. of the Unified Development Ordinance to allow for the construction of a detached house that has a 9.5' side setback and a 20' street setback on a .4 acre parcel zoned Residential-4 and located at 3424 Lewis Farm Road



**3424 Lewis Farm Road – Location Map**

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**To BOA:** 6-12-17

**Staff Coordinator:** Eric S. Hodge, AICP

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**ZONING  
DISTRICTS:** Residential-4



### 3424 Lewis Farm Road – Zoning Map

**VARIANCE STANDARDS:** In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions

that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

**Zoning District Standards:** The subject property is zoned Residential-4

**Lot Dimensions**

Area (min)	10,000 SF
Width – interior lot (min)	65
Width – corner lot (min)	80'
Depth -	100;'

<b><u>Yard Type</u></b>	<b><u>Minimum Setback</u></b>
Primary Street	20'
Side Street	15'
Side	10'
Sum of Sides	20'
Rear	30'

**Section 2.2.7 Residential Infill Compatibility**

**A. Intent**

The intent of the residential infill compatibility standards is to accommodate and encourage compatible development in existing residential neighborhoods, while reinforcing the established character of the neighborhood and mitigating adverse impacts on adjacent homes.

**B. Applicability**

1. The standards contained within this section apply to any building in an R-4, R-6 or R-10 district where all of the following are present:

- a. The total site area is 5 acres or less;

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b. At least 50% of the side and rear property lines abut existing detached or attached building types; and

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—. c. The lot must have been recorded for at least 20 years. This time period includes subsequent recombinations or subdivisions of the original lot configuration or recordation.

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2. These infill compatibility rules do not apply in a General or Streetside Historic Overlay District or in a Neighborhood Conservation Overlay District where height is regulated.

### **C. Street Setback**

1. The proposed building must be located within the range of setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range, except where a Neighborhood Conservation Overlay District applies an alternate setback.

2. On an interior lot, the range of setbacks is measured on the basis of the 2 closest lots in either direction along the block face.

3. On a corner lot, the range of setbacks is measured on the basis of the 3 closest lots along the primary block face.

4. Where the calculation cannot be applied to at least 4 lots on an interior lot or 3 lots on a corner lot, the building must meet the district standards.

# Application for Variance



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
Nature of variance request (if more space is needed, submit addendum on separate sheet):  See attached Exhibit A.	Transaction Number  A-83-17
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION		
Property Address 3424 Lewis Farm Road	Date May __, 2017	
Property PIN 0794397751	Current Zoning R-4	
Nearest Intersection Lewis Farm Rd. and Ridge Rd.	Property size (in acres) 0.40 acres	
Property Owner Laura K. Spencer and Phillip M. Grubaugh	Phone	Fax
Owner's Mailing Address 3424 Lewis Farm Rd., Raleigh, NC 27607-6725	Email	
Project Contact Person Isabel Worthy Mattox	Phone 919-828-7171	Fax 919-831-1205
Contact Person's Mailing Address PO Box 946, Raleigh, NC 27602	Email Isabel@mattoxfirm.com	
Property Owner Signature <i>Phillip Matthew Grubaugh</i> <i>Laura Katherine Spencer</i>	Email	
Notary  Sworn and subscribed before me this <u>11th</u> day of <u>May</u> , 20 <u>17</u>	Notary Signature and Seal  LINDA M RICH NOTARY PUBLIC WAKE COUNTY, NC  <i>Linda M Rich</i> My Commission Expires 4-21-2021	

**EXHIBIT A**  
**To Variance Request**  
**3424 Lewis Farm Road**

**Requests**

1. Applicant requests a six inch variance in the side setback requirement under UDO Section 2.2.1.B.3 which requires a 10 foot side setback. The current house is located approximately 9 feet, six inches from the side lot line on the east side of the house. This variance will legalize an existing nonconformity and will allow the proposed front addition to be placed in line with the existing house.
2. Applicant requests a variance in the requirement relating to minimum front setbacks of Section 2.2.7.C, as it may be modified. The UDO provides that for certain lots in existing neighborhoods, front setbacks for new or modified buildings must be determined with reference to the existing built setbacks for a range of buildings located within close proximity of a property (the "Range") and that buildings cannot be located any closer to the right-of-way than the building within the Range which has the smallest front setback and no further from the right-of-way than the building within the Range which has the largest setback. In this matter, the closest setback in the Range is 24.5 feet and the farthest setback in the Range is 49.8 feet; thus Applicant requests a variance of 4.5 feet in the required minimum front setback to allow for a minimum front setback of no less than 20.0 feet from the right-of-way.

Alternatively, in the event TC-7-17 is approved prior to the Board of Adjustment meeting or prior to the time Applicant has obtained a building permit for the proposed addition, Applicant requests a variance in the required minimum front setback to allow for a minimum setback of no less than 20 feet from the right-of-way.

**Basis of Request**

This variance request is based on the existence of several hardships that affect the site, including the following:

1. Existing Home Location and Context of Neighborhood. Maintaining the context of the neighborhood. Applicant could demolish the existing house and rebuild a new home which could be easily placed according to the infill compatibility requirements, however, Applicant desires to honor the context of the neighborhood by maintaining the home as a 1.5 story split level home on a wooded lot. A front addition which generally follows the same lines as the original 1957 home will allow the house to be modernized while maintaining the same overall feel. It should be noted that the existing home was designed by and occupied by one of the owner's grandparents and the addition has been designed to maintain the same feel of the house.
2. Tree Conservation. Existence of significant hardwood trees in the rear yard. Applicant does not want to compromise those trees or their critical root zones by engaging in construction activities in the rear yard.

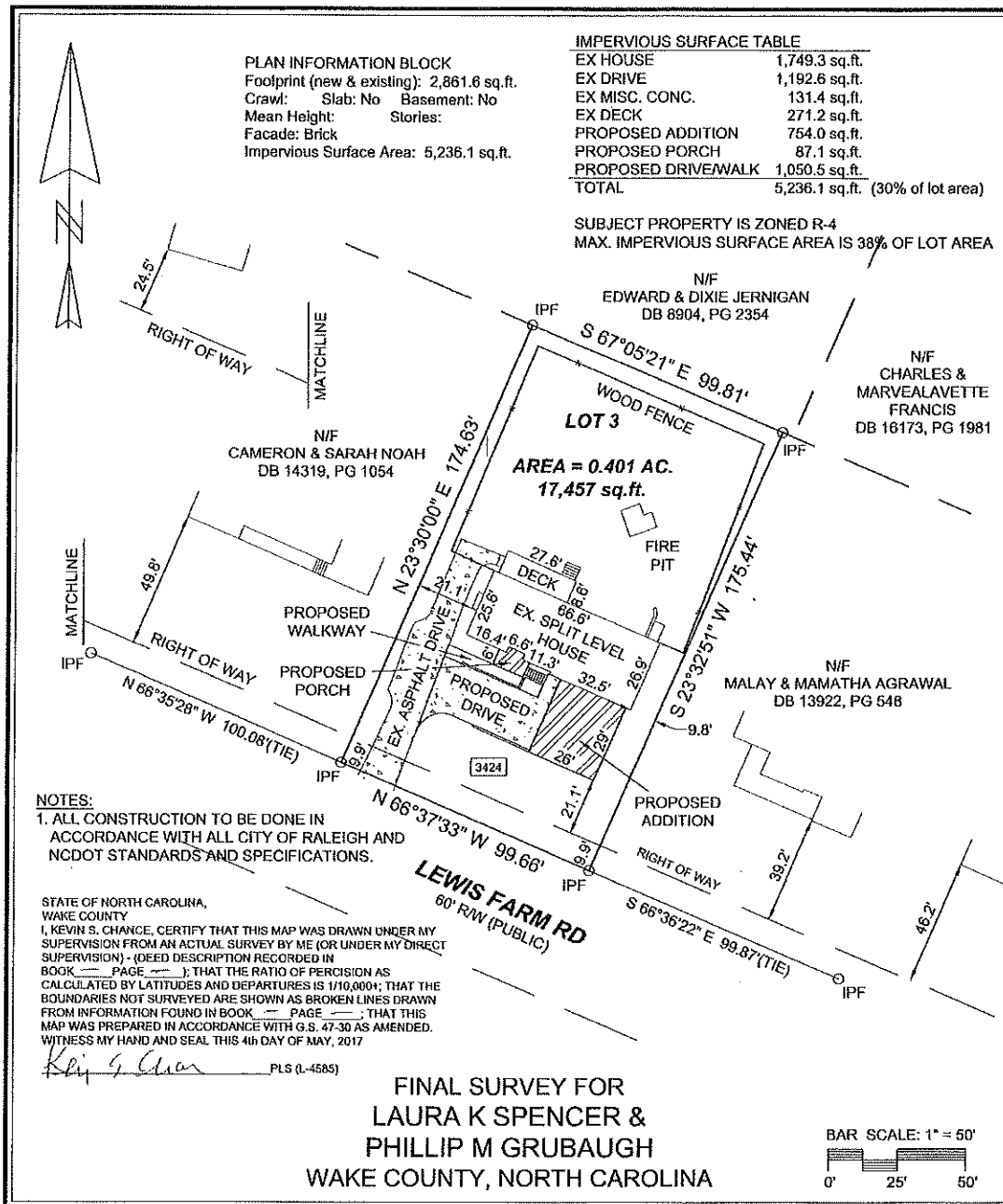
3. Topography. The grade of the subject property falls off significantly from the left to the right. This provides an ideal context for the two story part of the split level and allows the builder to efficiently use the grades to create a basement/garage area where the site is falling off, which will require less grading and soil disturbance.





SCALE: 1" = 50'	LOT 3 SECTION ---- BLOCK ---- PART ----	LEGEND: IPF = IRON PIPE FOUND IPS = IRON PIPE SET CP = COMPUTED POINT □ = DROP INLET SP = SCREEN PORCH P = PORCH ■ = ELECTRIC TRANSFORMER FH = FIRE HYDRANT LP = LIGHT POLE PP = POWER POLE -OE- = OVERHEAD ELECTRIC LINE -x- = FENCE MISA = MAXIMUM IMPERVIOUS SURFACE AREA
DATE: 04 MAY 2017	SUBDIVISION L.E. COOK AS	
FILE NAME: L.E. Cook Lot 3.dwg	RECORDED IN MAP BOOK 1953 PAGE 76	
TOWNSHIP: RALEIGH	WAKE COUNTY REGISTRY.	

NOTES:  
1. ALL AREAS ARE BY COORDINATE GEOMETRY.  
2. ALL DISTANCES ARE HORIZONTAL GROUND UNLESS OTHERWISE NOTED.  
3. NORTH ARROW IS PER RECORDED MAP OR DEED LISTED ABOVE UNLESS OTHERWISE NOTED.



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0794395758  
SMITH, TILLMAN B  
491 SUNSET WAY  
JUNO BEACH FL 33408-2029

0794396423  
SACKS, LAWRENCE EDWARD  
3425 LEWIS FARM RD  
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0794396754  
NOAH, CAMERON MACRAE NOAH, SARAH  
CROSS  
3428 LEWIS FARM RD  
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DIXIE G  
3243 BIRNAMWOOD RD  
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